

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 16
CAPITOL BUILDING AND GROUNDS

67-1601. STATEMENT OF FINDINGS AND PURPOSE. (1) The legislature and governor of the state of Idaho find that:

(a) The Idaho state capitol building, hereafter referred to as the capitol building, located at the seat of government, in Boise City, Ada County, is a public monument representing the spirit of Idaho's citizens, a symbol of Idaho's sovereignty and one of Idaho's most renowned landmarks.

(b) The capitol building is also one of the most vital and preeminent public buildings in Idaho, wherein the legislative department and a majority of the elected executive department officers maintain their offices and perform their constitutionally prescribed duties.

(c) The maintenance and preservation of the capitol building and its grounds, including its historical character and architectural uniqueness, is of vital public interest and concern.

(d) The existing statutes do not fully and completely address the use, control, security, operation, maintenance, historical character and architectural uniqueness of the capitol building and its grounds.

(2) It is declared that the purposes of this chapter are:

(a) To establish a statute to comprehensively govern all aspects of the use, control, security, operation, and maintenance of the capitol building and its grounds.

(b) To ensure that the historical character and architectural integrity of the capitol building and its grounds be preserved and promoted.

(c) To promote cooperation between the public and private sectors to fund necessary enhancements to and the preservation of the capitol building and its grounds in all respects and particularly its historical character and architectural integrity.

[67-1601, added 1998, ch. 306, sec. 2, p. 1007.]

67-1602. IDAHO STATE CAPITOL -- ALLOCATION AND CONTROL OF SPACE. The space within the interior of the capitol building shall be allocated and controlled as follows:

(1) Public space. The interior within the rotunda; the hallways in the basement, including the underground atrium wings, and on the first and second floors; the restrooms located adjacent thereto; the elevators; and the stairways between the basement, including the underground atrium wings, and the first, second, third, and fourth floors (excepting the interior stairways between the third and fourth floors within the legislative chambers) shall be space within the capitol building open to the public ("public space"). Subject to this chapter, the director of the department of administration shall maintain all public space.

(2) Executive department. The governor shall determine the use and allocate the space within the second floor. The director of the department of administration shall maintain such space.

(3) Legislative department. The legislative department shall determine the use of the space on the first, third, and fourth floors as well as the

basement, which basement shall include the underground atrium wings. All space within the first, third, and fourth floors and the basement shall be allocated by the presiding officers of the senate and the house of representatives. Except as otherwise provided in subsection (1) of this section, the presiding officers shall maintain such space and provide equipment and furniture thereto, provided however, that the presiding officers may contract with the director of the department of administration to maintain such space and provide equipment and furniture thereto.

[67-1602, added 1998, ch. 306, sec. 2, p. 1008; am. 2007, ch. 157, sec. 3, p. 480; am. 2022, ch. 61, sec. 1, p. 193.]

67-1603. IDAHO STATE CAPITOL -- EXTERIOR -- GROUNDS -- SYSTEMS. The director of the department of administration shall have exclusive control of the exterior, grounds and systems of the capitol building. The director, in consultation with the governor, the presiding officers of the legislature and the commission created by this chapter, shall have exclusive authority to equip, maintain, and operate such exterior, grounds and systems. For the purposes of this section, "systems" means electrical, HVAC (heating, ventilating, air-conditioning) and telecommunication systems used in the capitol building.

[67-1603, added 1998, ch. 306, sec. 2, p. 1008.]

67-1604. IDAHO STATE CAPITOL -- ACCESS AND USE. The director of the department of administration may promulgate rules, pursuant to [chapter 52, title 67](#), Idaho Code, governing access to and use by the public of the capitol building and its grounds. In determining whether to promulgate rules and in the promulgation of any rules, the director shall consult with the governor, the presiding officers of the senate and house of representatives and the commission created by this chapter.

[67-1604, added 1998, ch. 306, sec. 2, p. 1008.]

67-1605. LAW ENFORCEMENT AND SECURITY. Responsibility for law enforcement at the capitol building and the supreme court building is vested in the director of the Idaho state police. In coordination with the director of the Idaho state police, Ada County and Boise City are granted jurisdiction to enforce the laws of the state of Idaho and the ordinances of Ada County and Boise City for the capitol building and the supreme court building. The director of the department of administration, or his designee, shall be responsible for security in the capitol building and the supreme court building and has the authority to contract with private contractors to provide security for persons and property in the capitol building and the supreme court building.

[67-1605, added 1998, ch. 306, sec. 2, p. 1008; am. 2000, ch. 469, sec. 133, p. 1594; am. 2008, ch. 85, sec. 1, p. 222.]

67-1606. IDAHO STATE CAPITOL COMMISSION -- CREATION AND APPOINTMENT OF MEMBERS. (1) There is hereby created within the department of administration the Idaho state capitol commission, hereafter referred to as the commission. The commission shall consist of nine (9) members, six (6) of whom shall be public members. The public members shall be appointed as follows: four (4)

members shall be appointed by the governor, one (1) member shall be appointed by the president pro tempore of the senate and one (1) member shall be appointed by the speaker of the house of representatives. Public members shall serve at the pleasure of the appointing authority, or for a term of five (5) years, whichever is shorter. The terms of initial public members shall expire as designated by the governor at the time of appointment: One (1) at the end of one (1) year; one (1) at the end of two (2) years; one (1) at the end of three (3) years; one (1) at the end of four (4) years; and two (2) at the end of five (5) years. A vacancy during the term of a public member shall be filled by the appointing authority for that member. The chairman of the commission shall be appointed by the governor from among the public members of the commission.

(2) The additional three (3) commission members shall be the director of the department of administration, the director of the Idaho state historical society, and the director of the office of legislative services, who shall serve as ex officio, voting members of the commission during their respective terms of office. The director of the department of administration shall serve as secretary of the commission.

(3) The governor, the president pro tempore of the senate and the speaker of the house may, at their discretion, serve as ex officio, nonvoting members of the commission.

[67-1606, added 1998, ch. 306, sec. 2, p. 1009.]

67-1607. ORGANIZATION OF THE COMMISSION. The commission shall meet not less than two (2) times per year. A majority of the membership of the commission constitutes a quorum to transact business. Public members of the commission shall be reimbursed for actual and necessary expenses as provided in section [59-509](#)(c), Idaho Code. Public members are entitled to reimbursement for reasonable travel expenses incurred in the performance of their duties as a member as provided by law.

[67-1607, added 1998, ch. 306, sec. 2, p. 1009; am. 2011, ch. 12, sec. 1, p. 38.]

67-1608. POWERS AND DUTIES OF THE COMMISSION. The commission shall have the following powers and duties:

(1) In consultation with the director of the department of administration, periodically review the capitol building master plan and, as appropriate, amend and modify the plan:

(a) In cooperation with the department of administration, who shall provide administrative support to the commission, prepare, approve and submit each year to the division of financial management and the legislative services office a budget reflecting all proposed expenditures for the commission for the ensuing fiscal year.

(b) The budget provided for in subsection (1) (a) of this section may include, but shall not necessarily be limited to, recommendations for transfers of money made pursuant to section [67-1610](#)(2), Idaho Code, from the capitol permanent endowment fund to the capitol endowment income fund.

(2) To review all proposals to reconstruct, remodel or restore space within the capitol building. All such projects shall be approved by the commission and be in conformance with the capitol building master plan.

(3) To review all proposals involving objects of art, memorials, statues, or exhibits to be placed on a permanent or temporary basis in public space within the capitol building or on its grounds. All such proposals shall be in conformance with the approved written policies of the commission and implemented with the consent of the commission and consent of the legislature and governor pursuant to subsections (2) and (3) of section 67-1602, Idaho Code.

(4) Work cooperatively with the Idaho state historical society to support a capitol curator to preserve, manage and protect the capitol building, and its historic collections and exhibits. The possession of all historic, restored and new furniture used by the executive department shall be retained by the executive department, and the possession of all historic, restored and new furniture used by the legislative department shall be retained by the presiding officers of the senate and house of representatives. All historic, restored and new furniture shall be inventoried annually, shall remain in the capitol building and is the property of the state of Idaho.

(5) For the purpose of promoting interest in the capitol building and obtaining funds to enhance the preservation of original and historic elements of the capitol building and its grounds, to develop and implement a plan for the publishing and sale of publications on the history of the capitol building and to develop other capitol building memorabilia for sale to the public.

(6) To solicit gifts, grants or donations of any kind from any private or public source to carry out the purposes of this chapter. All gifts, grants or donations received directly by the commission shall be transmitted to the state treasurer who shall credit the same to the capitol endowment fund created by this chapter.

(7) To request necessary assistance from all state agencies and the presiding officers of the senate and house of representatives in performing its duties pursuant to this chapter.

(8) To enter into agreements with tax-exempt nonprofit organizations for the purpose of assisting the commission in the performance of its duties under this chapter, including agreements for the establishment and maintenance of community foundation funds dedicated to the purposes of this chapter.

[67-1608, added 1998, ch. 306, sec. 2, p. 1009; am. 2007, ch. 41, sec. 3, p. 102; am. 2011, ch. 12, sec. 2, p. 39.]

67-1610. CAPITOL PERMANENT ENDOWMENT FUND. (1) There is hereby created a permanent fund within the state treasury to be known as the capitol permanent endowment fund, consisting of, from this point forward: (a) the proceeds of the sale of lands granted to the state of Idaho for the purpose of facilitating the construction, repair, furnishing and improvement of public buildings at its capitol by an Act of Congress (26 Stat. L. 214, ch. 656 (1890) (as amended)) entitled "An Act to Provide for the Admission of the State of Idaho into the Union," comprising thirty-two thousand (32,000) acres, or any portion thereof, or mineral therein; (b) earnings of the capitol permanent endowment fund; (c) proceeds of the sale of timber growing upon capitol endowment lands; (d) proceeds of leases of capitol buildings endowment lands; (e) proceeds of interest charged upon deferred payments on capitol buildings endowment lands or timber on those lands; (f) all unappropriated and unencumbered moneys in the public building fund shown on

the state controller's chart of accounts as the capitol permanent endowment fund; (g) retained earnings to compensate for the effects of inflation; and (h) legislative appropriations. The fund shall be managed by the endowment fund investment board in accordance with [chapter 5, title 68](#), Idaho Code.

(2) On July 1 of each fiscal year, the endowment fund investment board shall distribute to the capitol maintenance reserve fund created in section [67-1610A](#), Idaho Code, an amount equal to a percentage approved by the board of the value of the capitol permanent endowment fund that is calculated to provide a stable source of moneys to allow for the maintenance, repair and restoration of the capitol, and to provide for administrative costs incurred managing the assets of the capitol permanent endowment, while still preserving and increasing over time the value of the capitol permanent endowment fund.

[67-1610, added 1998, ch. 306, sec. 2, p. 1011; am. 2003, ch. 32, sec. 43, p. 142; am. 2004, ch. 25, sec. 1, p. 41; am. 2013, ch. 111, sec. 1, p. 266.]

67-1610A. CAPITOL MAINTENANCE RESERVE FUND. (1) There is hereby created a permanent fund within the state treasury to be known as the capitol maintenance reserve fund.

(2) The fund shall receive distributions from the capitol permanent endowment fund, as provided in section [67-1610](#), Idaho Code, and shall be managed by the endowment fund investment board in accordance with the provisions of [chapter 5, title 68](#), Idaho Code.

(3) Except as provided for in subsection (4) of this section, all moneys in the capitol maintenance reserve fund shall be used exclusively by the capitol commission to address repair, maintenance and construction needs approved by the commission to benefit the capitol building and its grounds; provided that moneys from the fund shall also be used to pay for administrative costs incurred managing the assets of the capitol permanent endowment including, but not limited to, real property and monetary assets. All expenditures from the capitol maintenance reserve fund shall be subject to appropriation by the legislature.

(4) Upon request of the capitol commission, the endowment fund investment board shall distribute from the capitol maintenance reserve fund to the capitol commission operating fund created in section [67-1611](#), Idaho Code, an amount determined by the capitol commission to be sufficient to cover the operation, activities and projects of the capitol commission.

[67-1610A, added 2013, ch. 111, sec. 2, p. 266.]

67-1611. CAPITOL COMMISSION OPERATING FUND. (1) There is hereby created in the state treasury the capitol commission operating fund. The fund shall be used to support the operation, activities and projects of the capitol commission, shall be managed by the state treasurer and shall consist of the following:

- (a) Transfers approved by the capitol commission from the capitol maintenance reserve fund for the operation, activities and projects of the capitol commission;
- (b) All interests earned on the capitol commission operating fund; and
- (c) All other proceeds either public or private approved by the legislature for the purposes of this act.

(2) All moneys in the capitol commission operating fund shall be subject to annual appropriation by the legislature. All moneys shall be appropriated exclusively for the purposes of this chapter, retained for future appropriation, or transferred to the capitol endowment permanent fund by legislative appropriation.

[67-1611, added 1998, ch. 306, sec. 2, p. 1011; am. 2004, ch. 25, sec. 2, p. 42; am. 2013, ch. 111, sec. 3, p. 267.]

67-1612. CAPITOL TOURS PROGRAM. There is hereby established a capitol tours program which shall exist to provide a visitor oriented program of historical interpretation and education concerning the Idaho state capitol building and grounds. It is the purpose of this program to assure access and understanding of the capitol building to further the purposes delineated in this chapter. This tours program will take advantage of the efforts to preserve and maintain the capitol building, and open the people's building to the people.

[67-1612, added 1998, ch. 306, sec. 2, p. 1011.]

67-1613. CAPITOL MALL AND OTHER STATE PROPERTY AND FACILITIES -- CAMPING PROHIBITED. No person shall camp on or in any state-owned or leased property or facility including, but not limited to, the capitol mall, except those that are designated as a recreational camping ground, area or facility. The provisions of this section shall not apply or affect policies, rules, statutes or leases on endowment lands, department of parks and recreation lands or department of fish and game lands. For the purposes of this section, the term "camp" or "camping" means to use as a temporary or permanent place of dwelling, lodging or living accommodation, and which indicia of camping may include, but are not limited to, storing personal belongings, using tents or other temporary structures for storing personal belongings or for sleeping, carrying on cooking activities, laying out bedding or making any fire. Any person who violates the provisions of this section shall be guilty of an infraction. Such persons shall be required to remove all their personal property from the state-owned or leased property.

[67-1613, added 2012, ch. 17, sec. 2, p. 36.]

67-1613A. DISPOSITION OF PROPERTY. Any property remaining after issuance of a citation or any property left unattended shall be held by the agency or its agent removing the property in a secure location for a period of not less than ninety (90) days. Notice shall be posted and remain at the nearest reasonable location to the place of removal with the agency's or agent's contact information for the ninety (90) day period. If property is not claimed within the ninety (90) day period, the property shall be deemed abandoned and the agency shall have the right to dispose of the property. A reasonable storage fee as determined by the agency may be assessed at the time an owner claims the property. The individual claiming the property shall produce identification and shall sign a release form providing his or her name and contact information and swearing that the property belongs to the claiming party. If the provisions of this section are complied with, the state of Idaho, its agents, employees and contractors shall be immune from legal liability for the administration of this section.

[67-1613A, added 2012, ch. 17, sec. 3, p. 36.]